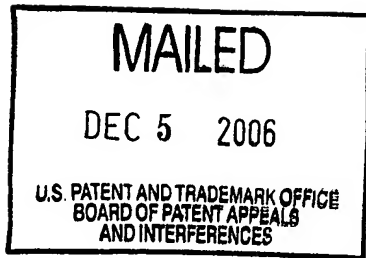


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte JUSSI KUISMA
and
SISKO PIHLAJAMAKI

Application 10/023,447

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on November 17, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

An examination of the Image File Wrapper (IFW) reveals that an Examiner's Answer was mailed July 25, 2006.

Section § 1207.02 of the Manual of Patent Examining Procedure

(MPEP) (8th Ed., Rev. 3, August 2005) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

It is noted that while the Examiner's Answer states that "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal"

[page 2 under the caption "(8) Evidence Relied Upon"], the claim rejections are listed as follows:

Claims 1, 3-5, 7-10, 12, and 14-15 rejected under 35 U.S.C. 102(a) as being anticipated by "3rd Generation Partnership Project; Technical Specification Group Terminals; Multimedia Messaging Service (MMS); Functional Description; Stage 2 (3G TS 123.140 version 1.0.0)" hereinafter referred to as 3GPP in view of Zahariev (U.S. 6,035,104) [page 3];

Claims 2, 11, 13, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP and Zahariev as applied to claims 1 and 8 above, in view of Skladman et al. (U.S. 6,400,810 B1) hereinafter referred to as Skladman [page 6];

Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP and Zahariev [page 8]; and

Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over 3GPP and Zahariev as applied to claim 5 above, in view of Short et al. (U.S. 6,130,892) hereinafter referred to as Short [page 9].

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for submission of a revised Examiner's Answer which corrects the "Evidence Relied Upon" section; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: *G P Edgell for Dale Shaw*
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DMS/psb

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